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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,049	10/31/2003	Toshiaki Hata	Q77939	8383
23373	7590	09/10/2007		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HOLLOWAY III, EDWIN C	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/697,049

Applicant(s)

HATA, TOSHIAKI

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**EXAMINER'S RESPONSE**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-20-07 has been entered. In response to applicant's amendment filed 2-20-07, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 4-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno (US006914516B2) in combination with Yoshizawa (6,414,586), Carlo (5,449,957) and Iijima (US 5708307).

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Regarding claim 1, Konno teaches an antitheft device for a vehicle (Fig. 1, portable transmitter 12 and scooter) which is propelled by a driving force of an engine, said device comprising:

a first switch (Fig. 1, col. 7, lines 11 -13, lock button on portable transmitter 12 to transmit an ID code) adapted to be turned on from the outside to send a first prescribed ID code;

an operation-equipment operation determining part that receives said first ID code to generate permission information (col. 5, lines 27-53, collation coincidence signal) for releasing a limited state of said operation equipment; col. 6, lines 62-67, engine can be started upon permission information) caused by said operation-equipment limiting part;

a nonvolatile memory for storing said permission information (col. 6, lines 62-67, storage or collation result holding means 23 associated with permission information); and

an engine operation limiting part (col. 6, lines 62-67, outputting of permission information from holding means 23) that permits the operation of said engine in response to said permission information, and limits (col. 6, lines 62-67, within the short preset time to start the engine) the operation of said engine based on an operating state of said engine;

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wherein said operation-equipment operation determining part stores in advance a second ID code corresponding to said first ID code (col. 5, lines 27-53, ID code transmitted 12), collates said first ID code with said second ID code (col. 5, lines 27-53, second ID or predetermined ID code stored), and generates said permission information (code (col. 5, lines 27-53, coincidence upon ID matching) thereby to permit the operation of said operation equipment as well as to make said permission information stored in said nonvolatile memory, when the collation result of said first and second ID codes indicates coincidence there-between.

But Konno is silent on an operation-equipment limiting part disposed at a vehicle for limiting the operation of operation equipment for said vehicle through external operation (Fig. 1, portable transmitter 12) and said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission information.

However, Yoshizawa teaches, in the art of remote control system, an operation-equipment limiting part (34) disposed at a vehicle for limiting the operation of operation equipment (door locks) for said vehicle through external operation (transmitter

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40).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include an operation-equipment limiting part disposed at a vehicle for limiting the operation of operation equipment for said vehicle through external operation in the device of Konno as suggested by Yoshizawa because such separate operation provides specific or individual control of door locks and engine control without unnecessary action of other elements/devices.

Likewise, Carlo teaches, in the art of remote control system, said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission information (col.1, lines 49-56, restart the engine within predetermined time without permission information) for the purpose of providing quick engine start.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission

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information in the device of Konno as suggested by Carlo because such restart operation provides without unnecessary recollation, thus providing quick engine start.

Konno does not expressly disclose permission information stored in a non-volatile memory deleted when use of the vehicle is stopped. However, Iijima discloses an analogous art vehicle anti-theft system with refers to a holding circuit similar to Konno to provide restart without taking time for code collation, but having problems such as not allowing start when the CPU malfunctions. See col. 1. Iijima solves this problem by using a non-volatile memory in the form of an EEPROM that stores a collation result OK flag as permission information. The flag allows restart without collation. The flag is reset or erased when the ignition switch is turned to the off position indicating the use of the vehicle has stopped.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination the permission information stored in a non-volatile memory deleted when use of the vehicle is stopped as disclosed in Iijima to avoid problems with holding circuits and suggested by opening the power switch automatically when the vehicle is stopped or by manual operation of the transmitter

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when the owner is leaves the vehicle to activate the antitheft device in col. 7.

Regarding claim 6, Konno is silent on said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder.

However, Yoshizawa teaches, in the art of vehicle security system, said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder (col. 3, lines 33-51, a key 10 in the steering column key receptacle wherein ID code is transmitted) for the purpose of providing engine start.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder in the device of Konno because Konno suggests lock button in the transmitter and Yoshizawa teaches said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder for the purpose of providing engine start.

Regarding claim 11, Yoshizawa teaches said operation-equipment limiting part is not portable (Fig. 1, door lock, door



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unlock, engine start, etc. are operation-equipment limiting part disposed at the vehicle, and not portable, like transmitter 10).

All limitations except a second switch adapted to be turned on from the outside to send a third prescribed ID code in claim 2 are discussed above with regards to claims 1. However, Yoshizawa teaches, in the art of remote control system, second switch adapted to be turned on from the outside to send a third prescribed ID code (Fig. 1, lock 41 or unlock 42 button) for the purpose of providing specific operation. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include second switch adapted to be turned on from the outside to send a third prescribed ID code in the device of Konno as suggested by Yoshizawa because such separate operation provides specific or individual control of door lock or unlock control without unnecessary action of other operations.

Therefore rejection of the limitations expressed in claims 2 are met by references and associated arguments applied to rejection of claim 1 and to rejection provided in the previous paragraph.

Regarding claim 4, Yoshizawa continues, as claimed in claim 2, to teach said first and second switches generate instruction information corresponding to a plurality of functions to said

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operation-equipment operation determining part (Fig. 1, first switch 41 to lock a plural doors and second switch 42 to unlock a plural doors).

Regarding claim 5, Yoshizawa continues, as claimed in claim 2, to teach said first and second switches are arranged inside a portable transmitter isolated from said operation-equipment operation determining part (Fig. 1, first switch 41 and second switch 42).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno in view of Yoshizawa, Carlo and Iijima as applied above and further in view of Lipschutz (4,583,148).

Regarding claim 3, Konno in view of Yoshizawa and Carlo is silent on the antitheft device for a vehicle as set forth in claim 2, wherein said operation-equipment limiting part comprises an electromagnetic locking device.

However, Lipschutz teaches, in the art of vehicle security system, said operation-equipment limiting part comprises an electromagnetic locking device (col. 2, lines 49-69, an electromagnetic locking device associated with operation-equipment limiting part is activated when key 2 is inserted and correct code is received 10 by the actuated transmitter 9) for the purpose of starting the ignition process of the engine. Therefore, it would have been obvious to a person skilled in the

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art at the time the invention was made to include said operation-equipment limiting part comprises an electromagnetic locking device in the device of Konno in view of Yoshizawa and Carlo as suggested by Lipschutz because such operation by an electromagnetic locking device provides specific anti-theft measure of the vehicle without unnecessary action of other operations.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno in view of Yoshizawa, Carlo and Iijima as applied above and further in view of Mueller et al. (6,140.914).

Regarding claim 7, Konno in view of Yoshizawa and Carlo is silent on warning from vibration sensor. However, Mueller teaches in the art of vehicle security system, warning from vibration sensor (col. 9, lines 17-36, shock warning 250' associated with vibration warning) for the purpose of providing antitheft feature. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include warning from vibration sensor in the device of Konno in view of Yoshizawa and Carlo as suggested by Mueller because such warning provides the vehicle the anti-theft measure.

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6. Claims 8-10 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over Konno in view of Yoshizawa, Carlo and Iijima as applied above and further in view of Espinosa (5,448,218).

Regarding claims 8-10, Konno in view of Yoshizawa and Carlo silent on interrupting an ignition signal to limit engine operation, and bringing engine into stopped state and impossible to restart.

However, Espinosa teaches, in the art of vehicle security system, interrupting a fuel supply signal to limit engine operation (col. 3, lines 58 to col. 4, line 16, fuel valve control via fuel supply signal), and bringing engine into stopped state and impossible to restart (col. 4, lines 17-26, bringing engine in stopped state and subsequently impossible to restart) for the purpose of providing antitheft feature. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include interrupting a fuel supply signal to limit engine operation, and bringing engine into stopped state and impossible to restart in the device of Konno in view of Yoshizawa and Carlo as suggested by Espinosa because such measure of impossibility to start the engine provides high level of anti-theft system.

***Response to Arguments***

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7. Applicant's arguments filed 6-27-07 have been fully considered but they are not persuasive.

Applicant argues that Carlo lacks permitting operation of an engine by using permission information in a nonvolatile memory. The argument is not persuasive because the rejection is based on a combination of references where Carlo permits operation of an engine by control circuit 80 using status held by timer 92 and/or 108 for a predetermined time after recognizing or correlating a received ID code. See col. 5 line 37 - col. 6 line 44 and col. 7 lines 10-47 of Carlo. Nonvolatile memory would have been obvious in view of the holding means 23 for holding indication of correlation in Konno and/or EEPROM 35 of Yoshizawa that is nonvolatile memory associated with microprocessor 34 suggested by Carlo disclosing timer being part of a microprocessor.

Further, the rejection applies Iijima to clearly teach replacing such holding circuits for restart with a non volatile EEPROM. See col. 1 lines 51-53 and col. 4 lines 53-62.

#### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached on (571) 272-3059.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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